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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 Grace Albanese,

8 Plaintiff,

9 v.

10 Apple (APPS) Phone,

11 Defendant.
12

Case No. 2:21-cv-01051-RFB-BNW

REPORT & RECOMMENDATION

13 Before the court is pro se plaintiff Grace Albanese's complaint and application to proceed
14 in forma pauperis. ECF Nos. 1, 1-1. This Court previously declared Albanese a vexatious litigant.
15 *See Albanese v. Federal Bureau of Investigations*, Nevada District Court Case No. 2:17-cv-01599-
16 JAD-VCF at ECF No. 7 at 5 ("Albanese is deemed a vexatious litigant under 28 U.S.C. § 1651(a),
17 and she is ENJOINED and PROHIBITED from filing any new complaint, petition, or other action in
18 this court without first obtaining leave from the Chief Judge of this court.") (emphasis in original).
19 The Court has the inherent power to strike material from the docket to control litigation conduct and
20 to supervise the contents of that docket. *Ready Transp., Inc. v. AAR, Mfg.*, 627 F.3d 402, 404-05 (9th
21 Cir. 2010). The Court finds that plaintiff did not comply with this Court's vexatious litigant order
22 when she filed her application and complaint. Thus, the Court will recommend to the district judge
23 that he strike plaintiff's complaint and application from the record. Plaintiff will not be prejudiced
24 because she can request leave from the Chief Judge of this court if she wishes to file a meritorious
25 action, per the Court's prior vexatious litigant order.

26 Accordingly,

27 IT IS RECOMMENDED that plaintiff Grace Albanese's application to proceed in forma
28 pauperis (ECF No. 1) and complaint (ECF No. 1-1) be STRICKEN from the record.

1 IT IS FURTHER RECOMMENDED that the Clerk of Court administratively close this case.

2 **NOTICE**

3 This report and recommendation is submitted to the United States district judge assigned
4 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation
5 may file a written objection supported by points and authorities within fourteen days of being
6 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely
7 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d
8 1153, 1157 (9th Cir. 1991).

9 DATED: June 15, 2021.

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Brenda Weksler
12 United States Magistrate Judge
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